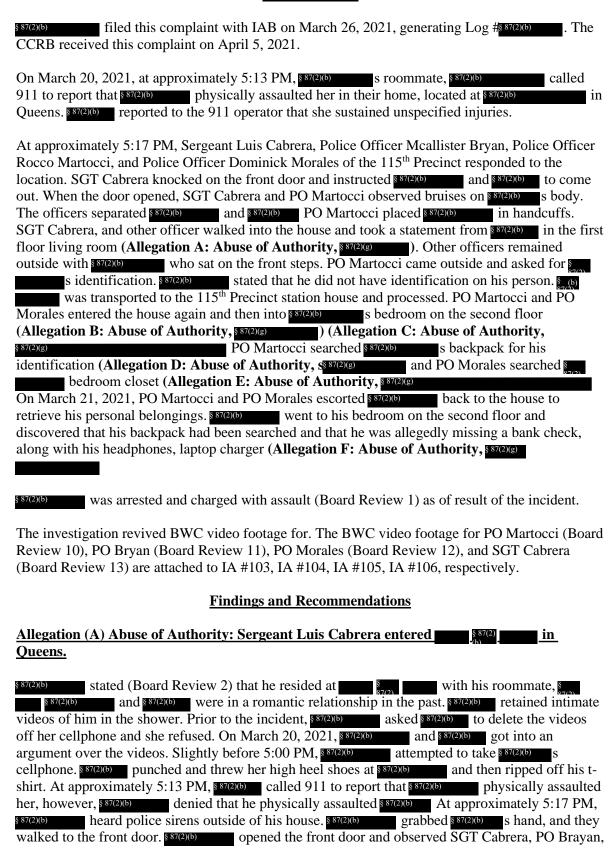
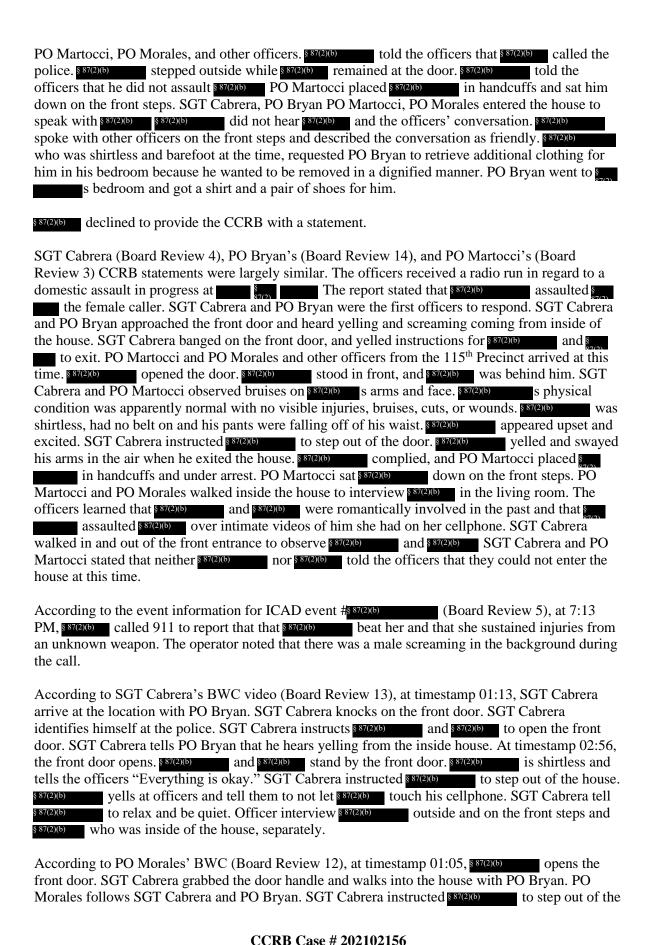
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
						Ш		_
Jeffrey Tsui		Squad #15	202102156		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		P	Precinct:	18	Mo. SOL	EO SOL
Saturday, 03/20/2021 5:17 PM		Inside of § 87(2)(b)			115	9,	20/2022	9/20/2022
Date/Time CV Reported		CV Reported At:	How CV Reported		Date/Time	Rece	eived at CC	RB
Fri, 03/26/2021 5:20 PM		IAB	Phone		Mon, 04/0	5/202	1 11:26 Al	М
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Rocco Martocci	06671	947225	115 PCT					
2. POM Dominick Morales	19980	962627	115 PCT					
3. SGT Luis Cabrera	03341	918802	115 PCT					
4. An Officer								
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Matthew Crescione	17906	966520	115 PCT					
2. POM Mcallister Bryan	01817	963420	115 PCT					
3. POM Neil Sinckler	27102	968809	115 PCT					
4. POM Brendan Leonard	16781	966665	115 PCT					
5. POM Andrew Buzzetta	20411	962961	115 PCT					
Officer(s)	Allegatio	on			Inve	estiga	tor Recor	nmendation
A.SGT Luis Cabrera	Abuse: Sergeant Luis Cabrera entered § 87(2)(b) in Queens.							
B.POM Rocco Martocci	Abuse: Police Officer Rocco Martocci entered § 87(2)(b) in Queens.							
C.POM Dominick Morales	Abuse: Police Officer Dominick Morales entered § 87(2)(b) in Queens.							
D.POM Rocco Martocci	Abuse: Police Officer Rocco Martocci searched in Queens.							
E.POM Dominick Morales	Abuse: P	olice Officer Dominick in Queens.	Morales searched 88	7(2)				
F. An Officer	Abuso. A	an officer seized § 87(2)(b)	s property.					

Case Summary

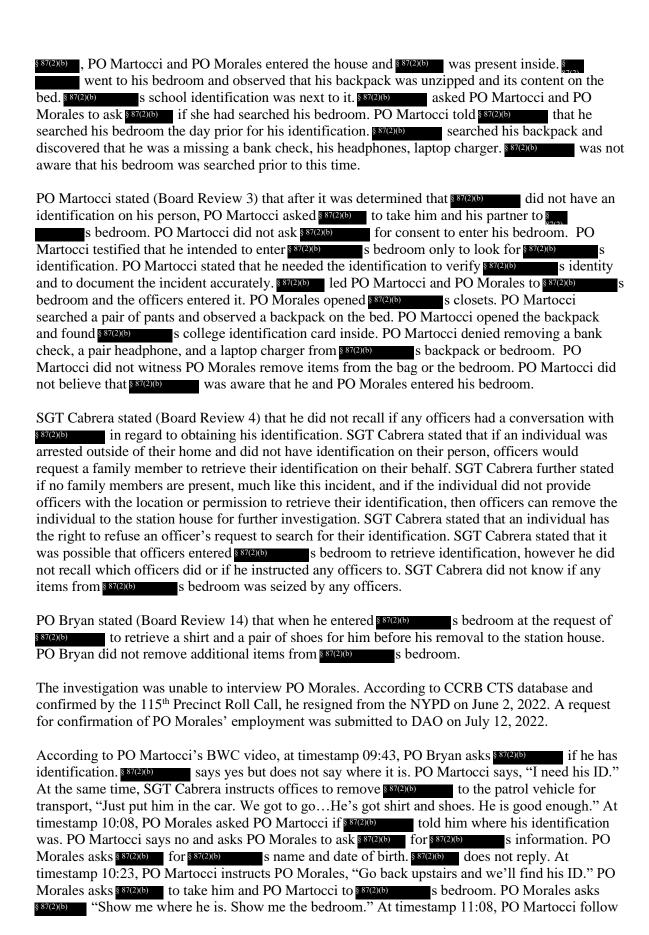


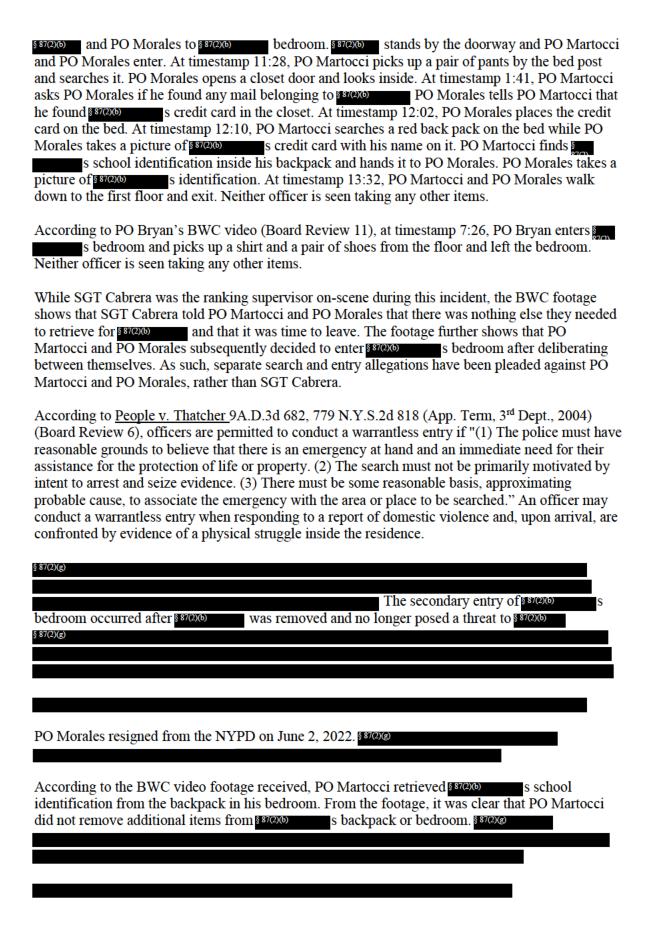


CCRB CTS – Confidential Page 2

house. SGT Cabrera instructed \$37(2)(6) to step out of the house and onto the stoop. At timestep 01:29, SGT Cabrera exits the front door and stand next to the doorway. \$87(2)(6) yells at officers and tell them to not let \$87(2)(6) touch his phone because she will delete his files. \$87(2)(6) vells back and tells him that she will not delete anything. walks towards the front door. PO Morales instructs [870] to walk back inside the house. PO Morales, PO Bryan enter the living room with \$87(2)(6) SGT Cabrera walks past the front entrance and stands next to the hallway between the front door and living room. At timestamp 02:23, [870] tells PO Morales that earlier on the incident date, \$87(2)(6) entered her bedroom and talked on his phone and that that she has a video of 87(2)(b) using the bathroom. When \$87(2)(b) asked \$87(2)(b) to exit her bedroom, refused in retaliation of the intimate videos she captured of him. At timestamp 02:59, there are visible bruises on stock and left bicep. PO Morales asks stock what caused the bruising on her face. \$\$7(0)(b) tells PO Morales that \$\$7(0)(b) hit her after she asked him to exit her bedroom, and hit him with a shoe. According to People v. Thatcher 9A.D.3d 682, 779 N.Y.S.2d 818 (App. Term, 3rd Dept., 2004) (Board Review 6), officers are permitted to conduct a warrantless entry if "(1) The police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property. (2) The search must not be primarily motivated by intent to arrest and seize evidence. (3) There must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched." An officer may conduct a warrantless entry when responding to a report of domestic violence and, upon arrival, are confronted by evidence of a physical struggle inside the residence. According to the 911 print out, reported that she was physically assaulted by reported that she was physically assaulted by and that she sustained unspecified injuries. The 911 operator noted that a male was yelling in the background. Upon responding to the location, SGT Cabrera also heard yelling from the inside of the house. When the door opened, SGT Cabrera and PO Martocci observed a shirtless 1970/10 with second behind him. At this time, SGT Cabrera and Po Martocci observed visible bruises on s body. § 87(2)(g) Allegation (B): Police Officer Rocco Martocci entered I in Queens. Allegation (C): Police Officer Dominick Morales entered in Queens. Allegation (D): Police Officer Rocco Martocci searched in Queens. Allegation (E): Police Officer Dominick Morales searched in Queens. Allegation (F): An officer seized \$87(2)(6) s property. stated (Board Review 2) that when sat on his front steps in handcuffs, PO Bryan When § 87(2)(b) asked § 87(2)(b) if he had identification. §87(2)(6) told PO Bryan that his identification was in his bedroom on the second floor. §87(2)(6) asked PO Bryan to take him upstairs. PO Bryan told him that he cannot. §87(2)(6) was escorted to a patrol vehicle and transported to the 115th Precinct station house. \$57(2)(6) was processed and lodged in a holding cell. \$57(2)(6) taken to Central Booking where the judge informed \$87(2)(6) that \$87(2)(6) had obtained an order of protection against him, and that he cannot return to his house. \$87(2)(6) was charged with assault and released. On March 21, 2021, at approximately 6:00 PM. PO Martocci and PO Morales

back into his house for the purpose of retrieving his personal belongings





Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review 7).
- SGT Cabrera has been a member of service for twenty-five years and has been a subject in nine CCRB complaints and eleven allegations, of which two were substantiated.
 - #9900004 involved substantiated allegations of Abuse of Authority Other against SGT Cabrera. He received instructions.
 - # 200717220 involved substantiated allegations of Abuse of Authority Vehicle Search against SGT Cabrera. The Board recommended instructions and the NYPD imposed instructions.
- PO Martocci has been a member of service for thirteen years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 1 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 8).

§ 87(2)(b)			
Squad:15			
Investigator:	Jeffrey Tsui Signature	INV Jeffrey Tsui Print Title & Name	07/14/2022 Date
Squad Leader:	Owen Godshall Signature	SI Owen Godshall Print Title & Name	7/14/2022 Date
Reviewer:	Signature	Print Title & Name	Date